

ARTICLE 21

DEVELOPMENT PLANS

21-1 INTENT AND PURPOSE - The purpose of this Article is to establish and define development plans that may be utilized for a wide variety of planning related procedures. This Article outlines the content and procedure for submission, review, and approval of all development plans required by the Zoning Ordinance and Subdivision Regulations unless another procedure or different contents are specified elsewhere in this Zoning Ordinance.

21-2 APPROVAL OF DEVELOPMENT PLAN BEFORE BUILDING PERMIT - For any case where a development plan is required by this Zoning Ordinance, no building permits shall be issued until a final development plan is approved by the Planning Commission and a copy of said plan is certified to the Division of Building Inspection by the Secretary of the Commission. The approval of a development plan shall limit and control the issuance of all building and occupancy permits, and restrict the construction, location and use of all land and structures to the conditions as set forth in the plan.

21-3 WHERE REQUIRED - Development plans shall be required as follows:

21-3(a) DEVELOPMENT PLANS REQUIRED FOR P-2, B-5P, B-6P and M-1P - As authorized by KRS 100.203(2), all applications for zone map amendments to the P-2, B-5P, B-6P and M-1P zones shall require the submission and approval of both a preliminary development plan and a final development plan prior to development of the property. The preliminary development plan shall be required to be submitted in conjunction with the zone map amendment request. The development plan shall be limited to the provisions of the definition contained in KRS 100.111(8). Where agreed upon, this development plan shall be followed.

21-3(b) DEVELOPMENT PLANS REQUIRED FOR MULTIPLE PRINCIPAL STRUCTURES AS PERMITTED BY SECTION 3-1(e) - Development plans required by Section 3-1(e) to permit more than one principal structure and its accessory structures on a lot or parcel of land shall be submitted to the Commission, in accordance with the provisions of this Article.

21-3(c) DEVELOPMENT PLANS REQUIRED IN CONJUNCTION WITH ZONE MAP AMENDMENT REQUESTS - As authorized by KRS 100.203(2), development plans shall be required to accompany any zone map amendment request as set forth in sections 21-3(c)(1), (2), (3) and (4) below. The development plan shall be limited to the provisions of the definition contained in KRS 100.111(8). Where agreed upon, this development plan shall be followed:

- (1) Any map amendment request from an A-R or A-U zone to any nonagricultural zone.
- (2) Any map amendment request to any residential or business zone.
- (3) Any map amendment request from a residential zoning to a nonresidential zoning.
- (4) The Commission, at its discretion, may require the submission and approval of a preliminary development plan, a final development plan, or both, for the subject property of any zoning map amendment proposal if the Commission finds there are existing or potential substantial flood, drainage, traffic, topographic or other similar problems relating to the development of the subject property that could have an adverse influence on existing or future development of the subject property or other property in the neighborhood.

21-4 DEVELOPMENT PLAN PROCEDURES - The following shall be the procedure for Planning Commission consideration of any development plan.

21-4(a) ON-SITE MEETING - Prior to the submission of a development plan, the owner/developer shall contact the Urban Forester, who will determine if an on-site meeting with the developer's design professional and/or other pertinent Urban County Government staff is necessary.

21-4(b) FILING - To formally request Planning Commission action on the development plan, the developer shall file a completed application form, filing fee and copies of the plans as required by the Commission's adopted filing and fee schedules with the Division of Planning. The Division of Planning shall make copies of the plan available to all other concerned agencies.

21-4(c) REVIEW - The Division of Planning and concerned agencies shall review the development plan, and then meet together as a Technical Committee to try to resolve all differences and to make recommendations to the Commission's Subdivision Committee. The Subdivision Committee will review all recommendations, and then forward their recommendations to the Commission. These Committee meetings shall be open to the developer and to any interested citizen; however, each Committee may impose rules which control participation by non-members in attendance. The developer may secure recommendations from the staff at any of the review checkpoints, and proceed to make plan changes so that revised plans may be submitted to the remaining review groups.

21-4(d) COMMISSION ACTION - No development plans shall be considered for action by the Commission until they have been reviewed by, and recommendations made by, the Subdivision Committee unless this requirement is waived by the Commission under its adopted late filing procedures. All development plans shall be approved or disapproved within ninety (90) days of the date they are formally filed for Commission action with the Division of Planning, unless the developer agrees to a longer time period. However, in the case of a development plan filed in conjunction with a map amendment request, the Planning Commission may postpone the development plan until after the Urban County Council has made its decision on the map amendment request. For cases such as these, the Commission shall either approve or disapprove the development plan within sixty (60) days of the date of Council action on the map amendment request unless the developer agrees to a longer time period.

The Commission will review the Subdivision Committee's recommendation and then act for approval, conditional approval with conditions noted, postponement, or disapproval. The Commission may modify or disapprove the development plan if it finds the plan does not comply with the requirements of the Zoning Ordinance, and when applicable, the Land Subdivision Regulations or if it finds there are existing or potential flood, drainage, traffic, topographic, health, safety, nuisance or other similar problems relating to the development of the subject property. In addition to these items, development plans which seek to amend the original development plan or its approved amendments shall also be subject to the provisions of Article 21-7(e) herein below. Reasons for action of postponement or disapproval shall be fully incorporated in the Commission's minutes. The following actions by the Commission shall have the meanings so stated:

21-4(d)(1) APPROVAL - Means the development plan is ready to be certified by the Commission's Secretary with no further corrections or revisions of the plan required by the developer.

21-4(d)(2) CONDITIONAL APPROVAL - Means the development plan cannot be certified by the Commission's Secretary until the developer has complied with the conditions of approval set forth in the Planning Commission's action on the plan.

21-4(d)(3) POSTPONEMENT - Means that the Commission has deferred action until some future Commission meeting in order that certain clarifications can be made in regard to the development plan. No completely new re-submittal is required of the developer as is the case for disapproval.

21-4(d)(4) DISAPPROVAL - Means disapproval of the plan. To request new review and action, the developer must file a new application along with a filing fee, plan copies,

and other material as required under Article 21-4(a).

21-4(e) CERTIFICATION OF APPROVAL - Within fourteen (14) days of the Commission's approval for all development plans filed in conjunction with a map amendment, and for all other development plans, within one (1) year of the Commission's approval, unless a time extension has been granted previous to the expiration date, the following steps shall be completed, or else the Commission's approval becomes null and void: **1)** the developer shall fully comply with any conditions of approval placed on the plan by the Commission and submit the completed original tracing of the plan including the signed owners' certification to the Division of Planning; **2)** the plan shall be certified by the Commission's Secretary if it is in conformance with all requirements. Required copies of the certified plan shall be made by the Division of Planning at the developer's expense. In conjunction with any request by the developer for a time extension or re-approval of an expired plan, the Commission may require changes in the development plan when it finds that time has necessitated such changes for the health, safety and welfare of the residents of the community, or when applicable ordinances and regulations have been changed.

21-4(f) TIMING RESTRICTIONS - The following timing restrictions shall be applicable to development plans:

- (1) Final development plans shall be submitted for Commission consideration within two (2) years of the date of Commission action on a preliminary development plan; otherwise, the preliminary development plan shall be deemed as disapproved by the Commission.
- (2) The developer shall be required to obtain building permits for all structures shown on a final development plan within five (5) years of the date of Commission action on the development plan; otherwise, no further building permits shall be issued unless and until the plan is reapproved by the Planning Commission.

21-5 TYPES OF DEVELOPMENT PLANS - There shall be a preliminary development plan and a final development plan, defined as follows:

21-5(a) PRELIMINARY DEVELOPMENT PLANS - A preliminary development plan is a site plan by which, at the early stages of development design, the Commission may consider, approve and restrict many major aspects of the development without requiring an undue amount of final design work on the part of the developer. The preliminary development plan is less detailed and specific than a final development plan in terms of exact arrangement of buildings, parking areas, open spaces, access points and any other site design features. No building permits can be issued based

upon a preliminary development plan.

21-5(b) FINAL DEVELOPMENT PLAN - A final development plan is a development plan from which a building permit will be sought. A final development plan is intended to deal with site design issues at a detailed level and to actually dictate the approved locations of buildings, parking areas, open spaces, access points and any other site design features.

21-6 CONTENTS AND FORMAT OF DEVELOPMENT PLANS - All development plans shall be prepared on mylar or other material capable of clear reproduction using ozalid print process. Plans shall be legible and of a size and scale (generally not exceeding 1" = 100') which enables clear presentation of required information. Required plan information shall be as follows:

21-6(a) CONTENTS OF PRELIMINARY DEVELOPMENT PLAN - A preliminary development plan shall contain the following information at a minimum:

- (1) A title block containing the plan name, development plan type, name and address of developer and plan preparer, and written and graphic scale.
- (2) The boundary of the subject property, its record plan designation (if available), and the record plan name or owner's name of all adjoining property.
- (3) A vicinity sketch, oriented in the same direction as the design scheme.
- (4) Topography with contour intervals not greater than five (5) feet.
- (5) Location, arrangement, and approximate dimensions of existing and proposed driveways, walkways, parking areas and arrangement of spaces, points of ingress and egress (including all gates restricting vehicular access), access points for construction vehicles, and other vehicular and pedestrian rights-of-way.
- (6) Location and cross-sections of any proposed or existing streets within or abutting the subject property.
- (7) Screening, landscaping and buffering (as required by Article 18), recreational and other open space areas.
- (8) Approximate size, location, height, floor area, area arrangement and use of proposed and existing buildings and signs.
- (9) Storm drainage areas, floodplains, conceptual drainage controls and storm water retention and any other designated environmentally sensitive or geologic hazard area.
- (10) Proposed and existing easements for utilities or other purposes.
- (11) A tree inventory map as required by Article 26.
- (12) Location of any existing burial grounds (including private family cemeteries) on the subject property and all adjoining property, and provisions for their

protection, maintenance and accessibility.

- (13) A statistical summary of all pertinent site data, including site area, zoning, building coverage and floor area, parking, open space, etc.
- (14) A note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place prior to approval of an erosion control plan. Such plan must be submitted in accordance with Chapter 16 of the Code of Ordinances.
- (15) An owner's certification, signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, do fully agree to all graphic and textual representations shown hereon, and do adopt this as my (our) development plan for the property."
- (16) A Commission's certification to be signed by the Commission's Secretary if and when the plan is fully approved, as follows: "I do hereby certify that this development plan was approved by the Urban County Planning Commission at its meeting held on (date)."
- (17) A note stating that no building permits shall be issued unless and until a final development plan is approved by the Planning Commission.

21-6(b) CONTENTS OF FINAL DEVELOPMENT PLAN - All information required for preliminary development plans as required under Sections 21-6(a), numbers 1 through 17 above; except that contour intervals shall be at two (2) feet, a tree preservation plan, data block, and tree protection areas shall be required and that the plan information shall be of an exact nature, rather than approximate or general.

21-7 AMENDMENTS TO DEVELOPMENT PLANS - Amendments to approved development plans can be made only by official Planning Commission action in a public hearing. However, amendments which fully meet the requirements set forth hereinafter for minor amendments may be approved and certified by the Commission's Secretary without further action by the Commission.

21-7(a) MINOR AMENDMENTS DEFINED - Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments (1) shall not decrease the overall land area in yards, or other open spaces; (2) shall not increase building ground area coverage, floor area, or height, or increase the number of dwelling units; (3) shall not increase the number or size of signs; (4) shall not change the location or cross-section of any street and shall not increase the number, or change the location of street access points, except that shifts in the approved access location not exceeding twenty-five (25) feet may be approved as a minor amendment where the access point is not located on an arterial street and the Divisions of Traffic Engineering and Planning concur that such relocation

will not have a negative effect on traffic safety and movement; (5) may include a reduction in parking spaces only when an associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment, this reduction may be equal to but not exceed the difference in minimum required parking between the original plan and the proposed minor amended plan. For any case where parking in excess of the minimum requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.

21-7(b) PROCEDURES FOR MINOR AMENDMENTS - Shall be as follows:

21-7(b)(1) FILING - The developer shall file the following materials with the Division of Planning: a reproducible tracing of the plan prepared on mylar or other material capable of clear reproduction using ozalid print process; three (3) blue or black line prints of the tracing; and a filing fee in the amount determined by the Commission's adopted fee schedule.

21-7(b)(2) REVIEW - The Division of Planning shall review the plan for compliance with all applicable requirements and ordinances and shall consult with the Divisions of Building Inspection, Traffic Engineering, Engineering and others, as appropriate, to ensure proper plan review. Upon determination that all requirements have been met, the Commission's Secretary shall certify the plan as approved. If any question arises as to compliance, or if the Division of Planning feels that the proposed amendment raises issues deserving the attention of the full Commission, however, the plan shall be referred to the full Commission for action.

21-7(b)(3) CERTIFICATION - Upon certification of approval by the Commission's Secretary, the Division of Planning shall have copies of the plan prepared and distributed to other public agencies at the expense of the developer, and return the original plan tracing to the developer.

21-7(c) CONTENT AND FORMAT OF MINOR AMENDMENTS - Minor amendments shall have the same content and format requirements as the original development plan, except that **1)** the title shall indicate the plan is a minor amendment, **2)** a note shall be added listing the exact nature of the requested changes (no plan change shall be considered in effect unless it is referenced in this note), and **3)** the following will be the required language for the Commission's certification: "I do hereby certify that this development plan amendment complies with the provisions of Article 21-7 of the Zoning Ordinance."

21-7(d) CONTENT AND FORMAT OF MAJOR AMENDMENT REQUIREMENTS - Major amendments to development plans shall have the same content and format requirements as the original development plan, except that **1)** the title shall indicate the plan is an amended development plan, and **2)** a note shall be added listing the exact nature of the requested changes. No plan change shall be considered in effect unless it is referenced in this note.

21-7(e) MAJOR AMENDMENT PROCEDURES - The procedure for a major amendment to a development plan shall be the same as for the original submission as specified in Article 21-4 above. However, in addition to the standards listed in Article 21-4(c), the Commission may also disapprove or modify the requested amendment if it finds that such amendments will adversely affect the public health, safety and welfare, or alter the essential character of the development as originally approved.

21-8 RELATIONSHIP TO LAND SUBDIVISION REGULATIONS - The relationships between development plans and the Land Subdivision Regulations are established as follows:

21-8(a) APPLICABILITY OF LAND SUBDIVISION REGULATIONS - Although development plans are not subdivision plans, quite often the development plan does indicate a need or intent to subdivide property. For any such development plan, the design and improvement standards contained within the Subdivision Regulations shall be applied to proposals contained on the development plan.

21-8(b) DEVELOPMENT PLANS REQUIRED UNDER ARTICLE 5-2(g) OF THE LAND SUBDIVISION REGULATIONS - Development plans required under Article 5-2(g) of the Land Subdivision Regulations are required to conform with the provisions of this Article 21 of the Zoning Ordinance.

21-8(c) DEVELOPMENT PLANS AND PRELIMINARY SUBDIVISION PLANS MAY BE COMBINED - It is recognized that for certain development situations it can be advantageous to both the developer and the Commission to combine the functions and requirements for development plans and preliminary subdivision plans in order to streamline the development approval process while not reducing the quality of the review. The following provisions shall be applicable to any such combined plan:

- (1) The developer shall meet with the Division of Planning no later than five (5) working days in advance of the filing deadline to discuss the appropriateness of filing a combined plan.
- (2) The plan shall show all information required for a development plan (preliminary or final, as appropriate) and all information required for preliminary subdivision plans as set forth in Article 5-2 of the Land Subdivision Regulations.

- (3) Provisions relating to the timing of public or private streets or other public or common use improvements in relation to the timing of building permit issuance may be required.

21-8(d) PRELIMINARY SUBDIVISION PLAN MAY BE
SUBSTITUTED FOR DEVELOPMENT PLANS RE-
QUIRED IN CONJUNCTION WITH MAP AMENDMENT

REQUEST - It is recognized that, in certain cases, a preliminary subdivision plan would be as appropriate or more appropriate to be considered in conjunction with a map amendment request than a development plan. Generally, such situations involve developments where placement of structures will be tightly controlled by the streets, lot pattern, and the requirements for placement of structures within the zone, and where the developer sees fit to have plans prepared at the required level of detail for subdivision plans prior to receiving a zone change approval. When a developer is required to provide a development plan under Article 21-3(c) herein above, and the developer desires to file a subdivision plan in its place, the developer shall meet with the Division of Planning in advance of filing the map amendment request to discuss the appropriateness of a substitution. In any disputed cases, the Planning Commission shall make the final judgments as to whether a development plan or subdivision plan is required.

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